

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAMIEN STEVENSON,

Plaintiff,

v.

B. PHILLIPS, et al.,

Defendants.

Case No.: 1:23-cv-00726-JLT-CDB

**ORDER GRANTING DEFENDANTS'
REQUEST FOR EXTENSION OF TIME
WITHIN WHICH TO FILE RESPONSIVE
PLEADING**

(Doc. 16)

Plaintiff Damien Stevenson is appearing pro se and *in forma pauperis* in this civil rights action.

I. INTRODUCTION

On April 11, 2025, this Court issued its First Screening Order (Doc. 9) and on April 15, 2025, it issued its Order Finding Service Appropriate (Doc. 10).

On April 17, 2025, the California Department of Corrections and Rehabilitation filed its Notice of E-Service Waiver form. (Doc. 12.)

Thereafter, the screening and service orders served to Plaintiff were returned by the United States Postal Service marked undeliverable on April 23 and April 24, 2025.

On May 12, 2025, Defendants filed the Waiver of Service of Summons form. (Doc. 13.)

On June 4, 2025, the undersigned issued Findings and Recommendations to dismiss this action without prejudice for Plaintiff's failure to obey the Local Rules and failure to prosecute.

(Doc. 15.) Specifically, dismissal was recommended for Plaintiff's failure to keep the Court apprised of his current address. (*Id.* at 2-5.)

On June 10, 2025, Defendants filed a request for an extension of time to file a responsive pleading. (Doc. 16.)

II. DISCUSSION

Defendants ask the Court to vacate the current deadline for filing a responsive pleading considering the pending Findings and Recommendations to dismiss this action for Plaintiff's failure to obey the Local Rules and failure to prosecute. (Doc. 16.) Defendants state that if the assigned district judge adopts the pending recommendations, the action will be dismissed, and a responsive pleading will be unnecessary. (*Id.*, at 3, ¶ 3.) In the event the recommendations were not adopted, Defendants state the current June 16, 2025, deadline could be reset to a later date. (*Id.*)

The Court finds good cause to vacate the current deadline for the filing of a responsive pleading.

III. CONCLUSION AND ORDER

Accordingly, the Court **HEREBY ORDERS**:

1. Defendants' First Request for Extension of Time to File Responsive Pleading (Doc. 16) is **GRANTED**;
2. The June 16, 2025, deadline for filing a responsive pleading is **VACATED**; and
3. The Court will reset the deadline for filing a responsive pleading following disposition of the pending Findings and Recommendations by District Judge Jennifer L. Thurston, if necessary.

IT IS SO ORDERED.

Dated: June 11, 2025


UNITED STATES MAGISTRATE JUDGE